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SENATE BILL 2950 By
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HOUSE BILL 2776
By Boyer

AN ACT to amend Tennessee Code Annotated, Title 16, Chapter 15, Part 9, relative to service of process issued by courts of general sessions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 16, Chapter 15, Part 9, is amended by adding the following as a new section:

Section 16-15-906.

(a) Notwithstanding any other provision of this part, § 8-8-108, or any other provision of law to the contrary, any person who is in compliance with the provisions of this section, who is not a party and who is not less than eighteen (18) years of age is authorized to serve process issued by a court of general sessions.

(b) A petition for authorization to serve process in the court of general sessions shall be filed with the clerk of such court and shall be accompanied by the following:

(1) A Certificate of Completion from an authorized school as provided in subsection (c);

(2) Proof of errors and omissions liability insurance; and

(3) A surety bond in the amount of fifteen thousand dollars (\$15,000).

(c) The organizations or officials listed in this subsection are authorized to establish and conduct in-service education courses to provide adequate and proper instruction to persons desiring to serve process issued by general sessions courts pursuant to this section. Such authorized schools may be conducted by:

(1) A general sessions court judge;

(2) A sheriff's department;

(3) The Tennessee association of professional process servers;

or

(4) Any other school authorized by the general sessions court.

(d) Each person petitioning to serve process in general sessions court must successfully complete and receive a certificate of completion from one (1) of the authorized schools set out in subsection (c) of this section.

(e) Each general sessions court shall compile and maintain a list of the persons who have qualified under the provisions of this section and are approved to serve process issued by such court. In counties having more than one general sessions judge, the judge selected as the presiding judge shall compile and maintain the list. Any attorney desiring a private process server may examine the list of approved servers maintained by the sessions court judge.

(f)

(1) In order for a private process server to maintain his or her status as an approved server, such server shall be required to attend an in-service training class each year of no less than eight (8) hours

duration. Such annual continuing education program may be conducted by the same schools authorized by subsection (c) of this section to provide the initial process server education courses.

(2) Each approved process server shall file proof of attendance at the continuing education class with the general sessions court clerk no later than September 30th of each calendar year.

(3) Failure to attend the continuing education class or file proof of attendance with the clerk shall result in the private process server being removed from the approved list.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.